

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

YVONNE COX,

No. C-04-2530 SI

Plaintiff,

**ORDER RE INDEPENDENT MENTAL
EXAMINATION**

vs.

CALIFORNIA SECURITY ALARMS, INC.,

Defendant.

The parties have submitted to the Court a dispute concerning whether plaintiff should be required to undergo an independent mental examination pursuant to Rule 35, F.R.Civ.P.¹

The Court finds that defendant has made an adequate showing to warrant the requested IME. Plaintiff has put her mental state in controversy in this case, by allegations in her complaint, by her interrogatory responses and in her deposition testimony. She alleges emotional devastation, severe depression, sleeplessness, nightmares, worsened physical health, and suicidal ideation. She reports having visited a mental health counselor for many months and states that treatment is ongoing. She also reports that she has suffered other traumatic events, both before and after her termination by defendant, so that causation is a controverted area.

The Court finds that defendant has demonstrated good cause for the requested IME, to wit: a clinical psychiatric interview that would last a total of 3-5 hours, with psychological testing between the two interviews.

IT IS SO ORDERED.

Dated: August 31, 2005

SUSAN ILLSTON
United States District Judge



¹ The parties submitted the issue to the Court for consideration on letter briefs, submitted on August 10, 2005. [Docket #38.]

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